

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Transmit the Application of) Examiner: J. T. Barton
J. Michael Ramsey)
Serial No. 09/909,638) Art Unit: 1753
Filed: July 20, 2001)
For: "Apparatus and Method for)
Performing Microfluidic)
Manipulations for Chemical)
Analysis)

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Our File No. 1875-ESID 1401-X-Con 2

Certificate of Mailing Under 37 C.F.R. §1.8(a):

I hereby certify that this correspondence is being deposited on January 31, 2005 with the United States Postal Service as first-class mail in an envelope properly addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Caren Burgoon

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Commissioner for Patents
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Alexandria, VA 22313-1450

TERMINAL DISCLAIMER RESPONSIVE TO
PROSPECTIVE OBVIOUSNESS-TYPE DOUBLE PATENTING
REJECTION (37 C.F.R. §1.321 (C))

Dear Sir:

UT-Battelle, LLC, owner of the entire right, title and interest in and to the above-identified patent application (hereinafter "the '638 application"), by its undersigned attorney, who is attorney of record in the '638 application, and in accordance with 37 C.F.R. §1.321, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the '638 application which would

extend beyond the expiration date of the full statutory term, as defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patents Nos. 6,001,229 and 6,342,142, issued December 14, 1999 and January 29, 2002, respectively, of which UT-Battelle, LLC is the owner of all right, title and interest.

The undersigned attorney hereby agrees that any patent so granted on the '638 application shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to said U.S. Patents Nos. 6,001,229 and 6,342,142, this agreement to run with any patent granted on the '638 application and to be binding upon the grantee, its successors or assigns.

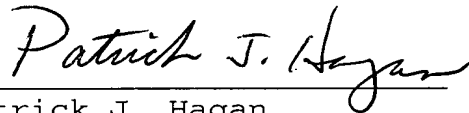
In making the foregoing disclaimer, the undersigned attorney does not disclaim the terminal part of any patent granted on the '638 application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patents Nos. 6,001,229 and 6,342,142, as presently shortened by an terminal disclaimer, in the event that U.S. Patents Nos. 6,001,229 or 6,342,142: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certification, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently or subsequently shortened by any terminal disclaimer, as the case may be, except for the separation of

legal title stated above.

A check for \$130.00 is enclosed herewith in payment of the statutory terminal disclaimer fee.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to the account of the undersigned attorney, Deposit Account No. 04-1406. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

A handwritten signature in cursive script, reading "Patrick J. Hagan", written over a horizontal line.

Patrick J. Hagan
Reg. No. 27,643
Attorney for Applicant

PJH:cmb
Enclosures